

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-14 remain in the application. Claims 9-14 have been withdrawn.

As stated in item 1 on page 2 of the above-identified Office action, the Examiner has withdrawn the 35 USC 103 rejection utilizing Oosterkamp et al. (European Patent Application Publication No. 0 596 703 A1). However, the Examiner has retained the 35 USC 102 rejection utilizing Gaouditz et al. (US Pat. No. 4,002,655) and has stated that it is apparent that Applicant does not see how and in what manner the Examiner is reading the claimed invention on the rejections set forth in the Office action dated April 21, 2003. The Examiner has further stated that the rejection utilizing Gaouditz et al. has been revised to clarify the Examiner's position. Since Applicant did not amend any claim in the response to the previous Office action dated April 21, 2003 and in the September 18, 2003 Office action "the rejection utilizing Gaouditz has been revised" (as stated by the Examiner), it is believed that the finality of this Office action is improper. The withdrawal of the finality of this Office action is therefore requested.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

a condensing pipe leading into said condensing chamber;
and

a drain pipe for noncondensable gases, said drain pipe disposed in said interior space and fluidically connecting said top region of said pressure chamber to said condensing chamber, said drain pipe defining a direct connection to said condensing chamber, and said drain pipe not connected to said condenser.

The Examiner has identified the bubbling ducts 13, 14 as disclosed in Gaouditz et al. as a different kind of components of the invention of the instant application. This kind of interpretation is believed to be materially incorrect.

As clearly recited in claim 1 of the instant application, according to the concept of the invention of the instant application, there is, on the one hand, a so-called condensing pipe (14) and, on the other hand, an additional drain pipe

(22) for the noncondensable gases, which has a substantially different purpose and different dimensions and position than the condensing pipe (14). In other words, due to the substantially different functions of the two components, the condensing pipe (14) and the drain pipe (22) according to the invention of the instant application have completely different structures.

In contrast, the components 13, 14 (and also 15) according to Gaouditz et al. are clearly the same kind of components, which, on the one hand, are arranged in a redundant manner by providing several components of the same kind and with the same function and, on the other hand, are also constructed as the same kind with regard to their relative configuration and dimensions. It is, therefore, believed to be inappropriate for the Examiner to differentiate between the components 13, 14 of Gaouditz et al. and interpret, on the one hand, one of the bubbling ducts 13 as a condensing pipe and, on the other hand, the other of the bubbling ducts 14 as a drain pipe in the sense of the invention of the instant application.

In summary, the bubbling ducts 13, 14 of Gaouditz et al. are the same kind of components with the same function and cannot be interpreted as a condensing pipe and a drain pipe respectively, which have completely different functions.

Clearly, Gaouditz et al. does not show "a condensing pipe leading into said condensing chamber; and a drain pipe for noncondensable gases, said drain pipe disposed in said interior space and fluidically connecting said top region of said pressure chamber to said condensing chamber, said drain pipe defining a direct connection to said condensing chamber, and said drain pipe not connected to said condenser", as recited in claim 1 of the instant application.

Claim 1 is, therefore, believed to be patentable over the art and since claims 2-8 are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-8 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out. Applicant would appreciate any suggestion from the Examiner if the Examiner believes that any changes to the language of the claims would lead to allowable claims.

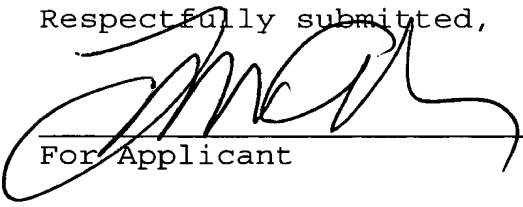
Applic. No.: 09/655,091
Amdt. Dated December 17, 2003
Reply to Office action of September 18, 2003

Rejoinder of claims 9-14 is requested upon allowance of claims 1-8. See MPEP 821.04.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

LAURENCE A. GREENBERG
REG. NO. 29,308



For Applicant

YC

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Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101